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## **OLR Bill Analysis**

### **SB 760**

#### ***AN ACT CONCERNING THE PHYSICAL RESTRAINT OF STUDENTS BY SCHOOL EMPLOYEES.***

##### **SUMMARY:**

This bill prohibits anyone from requiring a school employee to physically restrain a student if the employee reasonably believes that doing so will result in personal harm to the employee.

It also prohibits local and regional boards of education from dismissing, disciplining, or otherwise penalizing a school employee for refusing to physically restrain a student for that reason. An employee may file a complaint with the labor commissioner alleging a violation of this provision. The commissioner must then hold a hearing and send each party a written copy of his decision. He may award the employee all appropriate relief, including back pay. Aggrieved parties may appeal the commissioner's decision to the Superior Court in accordance with the Uniform Administrative Procedure Act.

EFFECTIVE DATE: July 1, 2013

##### **DEFINITIONS**

The bill defines a school employee as (1) a teacher, substitute teacher, school administrator or superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education or working in a public elementary, middle, or high school; or (2) contractors who come into regular contact with such students when performing their duties.

Under the bill, "physically restrain" means to restrict or immobilize a student to reduce the free movement of his or her arms, legs, or head. This does not include (1) briefly holding a student in order to calm or comfort him or her, or (2) minimum contact necessary to safely escort a

student from one area to another.

## **BACKGROUND**

### ***Use of Reasonable Physical Force***

The law allows a teacher or other person entrusted with the care and supervision of a minor for school purposes to use reasonable physical force when and to the extent he or she reasonably believes necessary to (1) protect himself or herself or others from immediate physical injury, (2) obtain possession of a dangerous instrument or controlled substance in the minor's control, (3) protect property from physical damage, or (4) restrain the minor or remove him or her to another area to maintain order (CGS § 53a-18(6)).

### ***Physical Restraint***

State law prohibits the use of physical restraint on public school students receiving or being evaluated for special education services (i.e., "special education student") unless used in emergency situations to avoid imminent injury to the student or others. It also requires local and regional school boards to notify a special education student's parents or guardian each time a student is placed in physical restraint (CGS § 46a-152).

With some exceptions, the law defines "physical restraint" as any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs, or head. The definition does not include helmets, mitts, and similar devices used to prevent special education students from hurting themselves if their use is documented in their individualized education plans.

## **COMMITTEE ACTION**

Children Committee

Joint Favorable

Yea 10      Nay 2      (03/12/2013)